

FILEDUnited States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

UNITED STATES DISTRICT COURTfor the
District of New Mexico**In the Matter of the Search of***(Briefly describe the property to be searched
or identify the person by name and address)*A RESIDENCE AT 27 RUFUS COURT, ZUNI, NM INCLUDING
ALL EXTERIOR STRUCTURES & VEHICLES, A BLACK
DODGE TRUCK WITH NM LICENSE 696XAZ, AND PERSONS
CHRIS HANNAWEEKE JR AND CHRIS HANNAWEEKECase No. **23mr233****APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See attachment A

located in the _____ District of New Mexico, there is now concealed *(identify the person or describe the property to be seized)*:

See attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S. Code § 1153	Indian Country Offenses
18 U.S. Code § 113(a)(6)	Assault resulting in serious bodily injury

The application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days *(give exact ending date if more than 30 days: _____)* is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Applicant's signature***FBI Special Agent Sean Cave***Printed name and title*Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephonically sworn, electelectronically signed *(specify reliable electronic means)*Date: 2/1/2023City and state: Albuquerque, NM*Judge's signature***B. Paul Briones, US Magistrate Judge***Printed name and title*

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Sean Cave, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been so employed since July 2014. I am currently assigned to the Albuquerque Field Office, Gallup Resident Agency. My primary duties as a Special Agent with the FBI include investigating crimes occurring in Indian Country to include assaults and murders. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, tribal, state and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

2. This affidavit is based upon my personal knowledge, and upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, local, and tribal law enforcement officers who have directly participated in this investigation, and with whom your affiant has had regular contact regarding this investigation.

3. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises located at 27 Rufus Court, Zuni, New Mexico including all exterior structures and vehicles, hereinafter referred to as the “TARGET PREMISES,” and a black 2004 black Dodge Truck with New Mexico license plate

696XAZ, hereinafter referred to as the “TARGET VEHICLE.” A more detailed description and photograph of the TARGET PREMISES was contained within Attachment A, which has been attached hereto and incorporated herein by reference. Your Affiant has set forth only the facts that your Affiant believes are necessary to establish probable cause for a search warrant that violations of United States Code Title 18 §1153 – Offenses committed within Indian country and 113(a)(6)a – Assault with Serious Bodily Injury were committed and evidence, fruits, and/or instrumentalities of, or property, intended for use in those violations will be found at the TARGET PREMISES and/or within the TARGET VEHICLE.

PROBABLE CAUSE

4. On or about January 27, 2023, a Zuni Police Department (ZPD) Criminal Investigator (CI) informed your Affiant of an assault having occurred on the street in front of 17 Silt Road, Zuni, New Mexico on Wednesday January 25, 2023, at about 5:38 pm. A review of ZPD Report 2023.0254 listed the victim of this assault as a male with initials S.W. and year of birth 1990, hereinafter referred to as “John Doe.”

5. On the evening of January 27, 2023, FBI Agents reported to the University of New Mexico Hospital in Albuquerque, New Mexico to interview John Doe. John Doe stated that on the evening of January 25, 2023, his mother came inside John Doe’s residence, located near the assault site, and said that the family dog had been hit by a vehicle on the street. John Doe responded by exiting his residence on foot without shoes on and chasing the vehicle suspected of having hit the family dog. John Doe described the vehicle he followed on foot as a 2005 or 2006 black two door Dodge with silver lining around the bottom and a back broken window with tape over it. While in pursuit, John Doe said he was screaming something to the effect of “why did you hit my dog,” and picking up a rock. John Doe watched the vehicle back out of a driveway

and start driving towards John Doe. At about this moment, John Doe recognized the occupants of the vehicle as CHRIS HANNAWEEKE Junior, year of birth 1994, hereinafter referred to as “HANNAWEEKE JR.,” CHRIS HANNAWEEKE Senior, year of birth 1975 hereinafter referred to as “HANNAWEEKE SR.,” and another individual. At this moment, HANNAWEEKE SR., HANNAWEEKE JR., and the third male exited the truck and HANNAWEEKE SR. told John Doe to drop the rock, which he did. John Doe informed the FBI that he put his hands up and that he believed that HANNAWEEKE SR then struck John Doe in the head with something he thought was a yellowish crowbar. John Doe reported that he could not recall much detail after being struck.

6. John Doe informed the FBI Agents that he has known HANNAWEEKE SR. and HANNAWEEKE JR. almost his entire life and knew they lived down the street from John Doe. The TARGET PREMISES location is down the street from John Doe’s residence. During the assault, John Doe described HANNAWEEKE SR as being about forty years old and bearing black glasses and a flannel shirt, and HANNAWEEKE JR. as being about sixteen years old and wearing a black sweater with a black and red hat.

7. One of the witnesses for the assault on January 25, 2023, was a female with initials “D.G.,” hereafter referred to as “Witness 1.” Witness 1 lived near the assault site and was able to view much of the assault as it occurred and provided a written statement of the events to ZPD which was forwarded to your Affiant. In the statement, Witness 1 described that on the evening of January 25, 2023 she witnessed three men violently assaulting a man on the ground later identified by others as John Doe. Witness 1 state specifically, “I made my way to the front door and saw three males assaulting a male. A male wearing a light blue demin button up shirt

and a light blue denim pants was on top of the male punching him in the face.” (Spelling errors included.) Witness 1 further accounted for the assault and sustained injuries as follows:

...I stood at our front door witnessing the male whom would later be identified as [redacted], being brutally assaulted. No weapons were being used that I could see. [Redacted] was kicked in the head multiple times including his body by all three male subjects. As [redacted] was being kicked in the head, blood could be seen spattered into the air and onto the roadway. We could hear cracking noises similar to bones being broken as he was being kicked in the head and on his body. [Redacted] attempted several times to get up however subjects continued to kick him, preventing him from getting up. [Redacted] laid on the roadway, lifeless as he was being kicked around like a ragdoll. Blood covered his face. I shouted two or three times for subjects to stop but they just looked at me and continued beating him. I informed dispatcher [Redacted] that one of the males involved was possible CHRIS HANNAWEEKE...

The males face and head were completely drenched in blood still bleeding profusely. His blood was so thick that you could not see his skin color on his facial area. He was unrecognizable. His facial area and head were already swollen with both eyes completely shut. The males forehead was completely caved as well as the right side of his skull.

8. Witness 1 detailed that following the assault, at least two of the three males entered into a blue or black Dodge double cab pick-up truck with chrome trim and departed the area. Witness 1 described one male as wearing all denim clothing, another male wore all black clothing, and a third male wore gray sweatpants and a black hoodie. Witness 1 watched the male wearing gray sweatpants and a black hoodie take off on foot headed eastbound on Rufus Court, which would have been in the direction of the TARGET PREMISES from the assault site on 17 Silt Road.

9. On January 30, 2023, your Affiant interviewed a male with the initials C.C., and year of birth 1976, hereinafter referred to as “Witness 2.” In the interview, Witness 2 detailed that on the evening of January 25, 2023 while driving to his home near 17 Silt Road, Witness 2 observed three men violently assaulting another male on the ground. Initially, Witness 2 yelled at the men to stop and leave the man on the ground alone but they continued to punch and kick the

man on the ground, who would later be identified as John Doe. Witness 2 described the sound of the thud when one of the men kicked John Doe as distinct and Witness 2 noticed that one of the assailants kicking John Doe was wearing tan leather boots that must have had a steel toe. At one point during the assault, Witness 2 observed that one of the men held the arms of John Doe behind his back so the others could continue to strike John Doe. As a medical professional, Witness 2 believed that John Doe was in fear of being killed due to the violent nature of the assault. After repeated failed attempts to make the three assailants stop, Witness 2 retrieved a rifle from his home and when he exited the three males took off in a dark colored Dodge truck with a chrome grill. Witness 2 was very confident the truck was a Dodge due to clearly observing the emblem on the truck. Although Witness 2 did not know the HANNAWEEKE family to include HANNAWEEKE JR and HANNAWEEKE SR, Witness 2 stated to your Affiant that he knew they drove that Dodge truck. Witness 2 could only described two of the assailants, which he did as one young skinny male wearing a white long baggy shirt with jeans, and the other male as about 40 years of age with glasses, a grey hat wearing a dark colored sweatshirt/hoodie, and tan leather boots.

10. On January 27, 2023 FBI Agents interviewed the charge nurse with initials V.D., hereafter referred to as "Witness 3." Witness 3 was overseeing John Doe at University of New Mexico Hospital. Witness 3 reported to the FBI that John Doe transferred in from the Trauma Intensive Care Unit and had been intubated previously. Witness 3 further described John Doe's injuries as pretty serious in that he had an orbital fracture, bilateral nasal bone fracture, and a zygomatic fracture. Witness 3 believed that John Doe had suffered from serious bodily injury because of his injuries and the upcoming surgeries.

11. In the morning of January 30, 2023, your Affiant conducted a surveillance check of 27 Rufus Court and found parked in the driveway area the TARGET VEHICLE. The registered owner for this vehicle was listed as HOMER RHODA P, who had a New Mexico Drivers License listed address of the TARGET PREMISIS. Further, during the surveillance check, your Affiant observed within the home curtilage numerous other vehicles which appeared inoperable and merely stored on the property, and separate exterior structures which appear to be livable, containing windows, solar panels, and window mounted air conditioning units. It would be necessary to search all locations which could contain clothing, shoes, or other items worn by the assailants which they would seek to conceal. Further, in my training and experience, properties in Indian Country commonly contain several housing structures for multi-generational living. For instance, grandparents, parents, and children may all live about the same property in separate and shared living quarters, such as exterior sheds. These family members living on the same property will often have access to each other's living spaces and storage structures. Additionally, in my training and experience, I have regularly found abandon and inoperable vehicles stored on Indian Country properties. Theses vehicles are more often than not laid to rest in theses locations and not just waiting to be used. It is for these reasons that this warrant requests permission to search the entire property including the seemingly inoperable vehicles and exterior storage/living structures as evidence items could be hidden in any of the living spaces or storage structures in the TARGET PREMISES.

12. State licensing records for HANNAWEEKE SR. and HANNAWEEKE JR. show their residence as the TARGET PREMISES. In my training and experience as a law enforcement officer and working crimes in Indian Country, this assault appears to have been a random occurrence absent forethought and planning and so assailants would not have pre-positioned a

change of clothing or cleaning materials and would therefore more likely returned home to discard of clothing, shoes, clean up their vehicle, and obtain new clothing. Additionally, offenders involved in a violent act may attempt to launder or clean their clothes rather than destroy them. This attempt is often futile or not done in a manner which eliminates all evidence of the crime for which they have committed.

13. On January 31, 2023, your Affiant learned from Law Enforcement contacts with the Zuni Police Department that the TARGET PREMISES was the current known address for HANNAWEEKE SR. and HANNAWEEKE JR and other members of their family.

14. Based on your Affiant's training and experience, HANNAWEEKE SR. and HANNAWEEKE JR would have likely been covered in blood following the assault. Their clothing to include their shoes or boots used to kick John Doe would have blood splattering from the victim and investigators could conduct DNA comparisons of the blood on any clothing found to confirm their involvement in the assault. Further, their hands, feet, arms, and legs could have markings on them consistent with having been used to strike John Doe. It is for the above reasons that this warrant seeks the collection of clothing, DNA, and photographs of the personhood of HANNAWEEKE SR. and HANNAWEEKE JR.

JURISDICTIONAL STATEMENT

15. Law Enforcement officers with the Zuni Police Department informed your affiant that the TARGET PREMISES is located on Pueblo of Zuni, and is Indian Country as defined in Federal Law. Further, they stated that John Doe, HANNAWEEKE SR, and HANNAWEEKE JR were enrolled members of the Pueblo of Zuni and that the assault site with on Pueblo of Zuni land.

CONCLUSION

16. Based upon the information contained herein, your affiant believes that there is probable cause to search the TARGET PREMISES, described in Attachment A, for the items described in Attachment B, which are evidence, fruits, and/or instrumentalities of, or property, intended for use in violations of United States Code Title 18 §1153 – Offenses Committed within Indian Country and 113(a)(6) – Assault Resulting in Serious Bodily Injury.

17. Assistant United States Attorney Elisa Dimas has reviewed and approved this affidavit for legal sufficiency in support of an application for a search warrant.

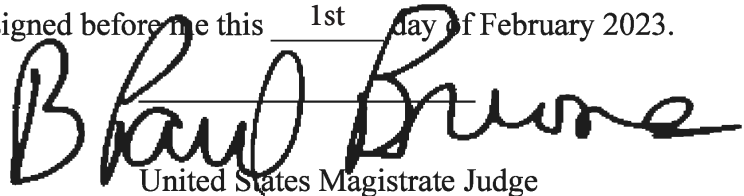
A handwritten signature in black ink, appearing to read 'Sean Cave', written over a horizontal line.

Sean Cave

Special Agent

Federal Bureau of Investigation

Telephonically sworn and electronically signed before me this 1st day of February 2023.

A large, stylized handwritten signature in black ink, appearing to read 'Paul Brune', written over a horizontal line.
United States Magistrate Judge

ATTACHMENT A

Person and Place to Be Searched

1. The residence located at 27 Rufus Court, Zuni, New Mexico including all exterior structures and vehicles about the property, photos below.

a.



2. A black 2004 black Dodge Truck with New Mexico license plate 696XAZ
3. CHRIS HANNAWEEKE Junior, photo below

a.



4. CHRIS HANNAWEEKE Senior, photo below

a.



ATTACHMENT B

Particular Things to be Seized

As a result of this investigation, there is probable cause to believe that contained within the interior and/or exterior of the residence located at 27 Rufus Court, Zuni, New Mexico and a black 2004 black Dodge Truck with New Mexico license plate 696XAZ there is evidence related to violations 18 U.S.C. §§1153 – Offenses committed within Indian country and 113(a)(6) – Assault Resulting in Serious Bodily Injury. The search warrant authorized the collection of the following:

1. Any implement(s) or item that could be used as a weapon or pieces/parts of a weapon appearing to be involved with the January 25, 2023, assault.
2. Photographs of CHRISTOPHER HANNAWEEKE JR and CHRISTOPHER HANNAWEEKE SR, including photos of their bare hands, bare feet, arms, chest and legs below the knee, and any other area appearing to be injured.
3. DNA Buccal Swabs of CHRISTOPHER HANNAWEEKE JR and CHRISTOPHER HANNAWEEKE SR.
4. Blood swabs within the residence and vehicle.
5. Photographs and/or video of the residence and items seized.
6. Clothing, including hoodies, jeans, sweatshirts, white t-shirts, jackets, hats, and sunglasses, with a red substance that appears to be blood or that contains stains that appear to have been blood.
7. All boots, shoes, footwear, including tan leather boots, with or without visible red blood like stains.